

HOUSE BILL 14

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By: **Delegate Parrott**

Introduced and read first time: August 10, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Citizens' Congressional Redistricting Commission**

3 FOR the purpose of creating the Citizens' Congressional Redistricting Commission;
4 requiring the Commission to divide the State to create certain congressional
5 districts; providing for the membership, qualifications, and duties of the
6 Commission; specifying certain requirements for the adoption of a redistricting
7 plan by the Commission; specifying that the redistricting plan meet certain
8 standards and requirements; prohibiting the Commission from considering
9 certain factors in adopting a redistricting plan; requiring the Legislative
10 Auditor to establish and administer an online application process for
11 individuals seeking appointment to the Commission; prohibiting certain
12 individuals from serving as a member of the Commission; authorizing the
13 Legislative Auditor to disqualify certain applicants seeking membership on the
14 Commission; requiring the Legislative Auditor to establish an Applicant Review
15 Panel to identify and establish certain applicant pools from which certain
16 members of the Commission are to be selected; authorizing the presiding officer
17 and the minority leader in each House of the General Assembly to strike certain
18 names from the applicant pools; requiring the Legislative Auditor randomly to
19 select a certain number of names from the applicant pools for membership on
20 the Commission; requiring certain Commission members to select the
21 remaining members of the Commission from the applicant pools in a certain
22 manner; requiring the Commission to elect a chair and establish certain rules
23 and procedures; making Commission meetings and records subject to State laws
24 governing open meetings and public records; specifying that the Court of
25 Appeals shall appoint a Special Master Panel to draw congressional district
26 lines under certain circumstances; specifying that certain legislation proposed
27 by the Commission and passed by the General Assembly is subject to
28 referendum under certain provisions of the Maryland Constitution; specifying
29 that the Commission shall have staff and other resources as provided in the
30 State budget; defining certain terms; and generally relating to the Citizens'
31 Congressional Redistricting Commission.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Article – Election Law
Section 8–701
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Election Law
Section 8–701.1 through 8–701.12
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

8–701.

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(1) “COMMISSION” MEANS THE CITIZENS’ CONGRESSIONAL
REDISTRICTING COMMISSION.**

**(2) “DAY” MEANS A CALENDAR DAY, EXCEPT THAT IF THE FINAL
DAY OF A PERIOD WITHIN WHICH AN ACT IS TO BE PERFORMED IS A SATURDAY,
SUNDAY, OR HOLIDAY, THE PERIOD IS EXTENDED TO THE NEXT DAY THAT IS
NOT A SATURDAY, SUNDAY, OR HOLIDAY.**

(3) “PANEL” MEANS THE APPLICANT REVIEW PANEL.

**(4) “QUALIFIED INDEPENDENT AUDITOR” MEANS AN AUDITOR
WHO IS CURRENTLY LICENSED BY THE STATE AND HAS BEEN A PRACTICING
INDEPENDENT AUDITOR FOR AT LEAST 10 YEARS BEFORE APPOINTMENT TO
THE APPLICANT REVIEW PANEL.**

[(a)] (B) The population count used after each decennial census for the
purpose of creating the congressional districting plan used to elect the State’s
Representatives in Congress:

(1) may not include individuals who:

(i) were incarcerated in State or federal correctional facilities, as determined by the decennial census; and

(ii) were not residents of the State before their incarceration; and

(2) shall count individuals incarcerated in the State or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the State.

[(b)] (C) The State is divided into eight districts for the election of the State's Representatives in Congress.

[(c)] (D) (1) The descriptions of congressional districts in this subtitle include the references indicated.

(2) (i) The references to:

1. election districts and wards are to the geographical boundaries of the election districts and wards as they existed on April 1, 2010; and

2. precincts are to the geographical boundaries of the precincts as reviewed and certified by the local boards or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2010 census redistricting data program and as those precinct lines are specifically indicated in the P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.

(ii) Where precincts are split between congressional districts, census tract and block numbers, as indicated in P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and referred to in this subtitle, are used to define the boundaries of congressional districts.

8-701.1.

THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) UNDER CURRENT LAW, THE GENERAL ASSEMBLY DRAWS THE DISTRICTS FOR THE STATE'S REPRESENTATIVES IN CONGRESS;

(2) ALLOWING POLITICIANS TO DRAW THESE DISTRICTS IS A SERIOUS CONFLICT OF INTEREST THAT HARMS VOTERS, AND HAS RESULTED IN A LARGE PERCENTAGE OF INCUMBENT POLITICIANS BEING REELECTED IN THE DISTRICTS THAT WERE DRAWN BY THEM IN THE RECENT ELECTIONS;

1 **(3) POLITICIANS OFTEN DRAW DISTRICTS THAT SERVE THEIR**
2 **INTERESTS, NOT THOSE OF THE STATE'S COMMUNITIES, SOMETIMES**
3 **RESULTING IN COMMUNITIES BEING SPLIT INTO AS MANY AS FOUR DIFFERENT**
4 **DISTRICTS TO PROTECT INCUMBENT LEGISLATORS, RATHER THAN KEEPING**
5 **COMMUNITIES TOGETHER SO EVERYONE HAS REPRESENTATION;**

6 **(4) THIS REFORM WILL MAKE THE REDISTRICTING PROCESS**
7 **OPEN SO IT CANNOT BE CONTROLLED BY THE PARTY IN POWER, WILL GIVE THE**
8 **STATE'S CITIZENS AN EQUAL NUMBER OF DEMOCRATS AND REPUBLICANS ON**
9 **THE CONGRESSIONAL REDISTRICTING COMMISSION, WILL ENSURE FULL**
10 **PARTICIPATION OF INDEPENDENT VOTERS WHOSE VOICES ARE COMPLETELY**
11 **SHUT OUT OF THE CURRENT PROCESS, AND WILL REQUIRE SUPPORT FROM**
12 **DEMOCRATS, REPUBLICANS, AND INDEPENDENTS FOR APPROVAL OF NEW**
13 **REDISTRICTING PLANS;**

14 **(5) THE CITIZENS' CONGRESSIONAL REDISTRICTING**
15 **COMMISSION WILL DRAW DISTRICTS BASED ON STRICT, NONPARTISAN RULES**
16 **DESIGNED TO ENSURE FAIR REPRESENTATION, WILL TAKE REDISTRICTING OUT**
17 **OF THE PARTISAN BATTLES OF THE GENERAL ASSEMBLY, WILL GUARANTEE**
18 **THAT REDISTRICTING WILL BE DEBATED IN THE OPEN WITH PUBLIC MEETINGS,**
19 **AND WILL ENSURE THAT ALL MINUTES WILL BE POSTED PUBLICLY ON THE**
20 **INTERNET AND THAT EVERY ASPECT OF THE PROCESS WILL BE OPEN TO**
21 **SCRUTINY BY THE PUBLIC AND THE PRESS; AND**

22 **(6) WHILE IN THE CURRENT PROCESS POLITICIANS ARE**
23 **CHOOSING THEIR VOTERS INSTEAD OF VOTERS HAVING A REAL CHOICE, THIS**
24 **REFORM WILL PUT THE VOTERS BACK IN CHARGE.**

25 **8-701.2.**

26 **(A) IN THE YEAR FOLLOWING THE YEAR IN WHICH THE NATIONAL**
27 **CENSUS IS TAKEN UNDER THE DIRECTION OF CONGRESS AT THE BEGINNING OF**
28 **EACH DECADE, THE GENERAL ASSEMBLY SHALL ADJUST THE BOUNDARY LINES**
29 **OF CONGRESSIONAL DISTRICTS IN CONFORMANCE WITH THE FOLLOWING**
30 **STANDARDS AND PROCESS:**

31 **(1) EACH MEMBER OF CONGRESS SHALL BE ELECTED FROM A**
32 **SINGLE-MEMBER DISTRICT; AND**

33 **(2) THE POPULATION OF ALL CONGRESSIONAL DISTRICTS SHALL**
34 **BE REASONABLY EQUAL.**

35 **(B) (1) FOLLOWING THE CRITERIA SPECIFIED UNDER SUBSECTION**

1 (A) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL ADJUST THE BOUNDARY
2 LINES ACCORDING TO THE CRITERIA SET FORTH AND PRIORITIZED IN THIS
3 SUBTITLE.

4 (2) THE GENERAL ASSEMBLY SHALL ISSUE, WITH THE FINAL
5 MAP, A REPORT THAT EXPLAINS THE BASIS ON WHICH THE GENERAL ASSEMBLY
6 MADE THE DECISIONS IN ACHIEVING COMPLIANCE WITH THESE CRITERIA AND
7 SHALL INCLUDE DEFINITIONS OF THE TERMS AND STANDARDS USED IN
8 DRAWING THE FINAL MAP.

9 (C) CONGRESSIONAL DISTRICTS SHALL BE NUMBERED CONSECUTIVELY
10 COMMENCING AT THE NORTHERN BOUNDARY OF THE STATE AND ENDING AT
11 THE SOUTHERN BOUNDARY.

12 (D) THE GENERAL ASSEMBLY SHALL COORDINATE WITH THE CITIZENS'
13 CONGRESSIONAL REDISTRICTING COMMISSION ESTABLISHED UNDER THIS
14 SUBTITLE TO HOLD CONCURRENT HEARINGS, TO PROVIDE ACCESS TO
15 REDISTRICTING DATA AND SOFTWARE, AND OTHERWISE TO ENSURE FULL
16 PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.

17 8-701.3.

18 (A) THE COMMISSION SHALL:

19 (1) CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING
20 FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF
21 DISTRICT LINES;

22 (2) DRAW DISTRICT LINES ACCORDING TO THE REDISTRICTING
23 CRITERIA SPECIFIED IN THIS SUBTITLE; AND

24 (3) CONDUCT THEMSELVES WITH INTEGRITY AND FAIRNESS.

25 (B) (1) THE SELECTION PROCESS FOR THE CITIZENS'
26 CONGRESSIONAL REDISTRICTING COMMISSION IS DESIGNED TO PRODUCE A
27 COMMISSION THAT IS INDEPENDENT FROM LEGISLATIVE INFLUENCE AND
28 REASONABLY REPRESENTATIVE OF THE STATE'S DIVERSITY.

29 (2) THE COMMISSION SHALL CONSIST OF 14 MEMBERS, AS
30 FOLLOWS:

31 (I) FIVE WHO ARE REGISTERED WITH THE LARGEST
32 POLITICAL PARTY IN THE STATE BASED ON REGISTRATION;

(II) FIVE WHO ARE REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY IN THE STATE BASED ON REGISTRATION; AND

(III) FOUR WHO ARE NOT REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL PARTIES IN THE STATE BASED ON REGISTRATION.

(3) EACH MEMBER OF THE COMMISSION SHALL:

(I) BE A VOTER WHO HAS BEEN REGISTERED CONTINUOUSLY IN THE STATE WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH A POLITICAL PARTY AND WHO HAS NOT CHANGED POLITICAL PARTY AFFILIATION FOR 5 OR MORE YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL'S APPOINTMENT; AND

(II) HAVE VOTED IN TWO OF THE LAST THREE STATEWIDE GENERAL ELECTIONS IMMEDIATELY PRECEDING THE INDIVIDUAL'S APPLICATION.

(4) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION EXPIRES ON THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING COMMISSION.

(5) (I) NINE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM.

(II) NINE OR MORE AFFIRMATIVE VOTES OF THE COMMISSION SHALL BE REQUIRED FOR ANY OFFICIAL ACTION.

(III) THREE FINAL PROPOSED MAPS ADOPTED BY THE COMMISSION MUST BE APPROVED BY AT LEAST NINE AFFIRMATIVE VOTES WHICH MUST INCLUDE AT LEAST THREE VOTES OF MEMBERS REGISTERED FROM EACH OF THE TWO LARGEST POLITICAL PARTIES IN THE STATE BASED ON REGISTRATION AND THREE VOTES FROM MEMBERS WHO ARE NOT REGISTERED WITH EITHER OF THESE TWO POLITICAL PARTIES.

(6) EACH MEMBER OF THE COMMISSION SHALL:

(I) APPLY THE PROVISIONS OF THIS SUBTITLE IN A MANNER THAT IS IMPARTIAL AND THAT REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS;

(II) BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING

1 FROM THE DATE OF APPOINTMENT TO HOLD ELECTIVE PUBLIC OFFICE AT THE
2 FEDERAL, STATE, COUNTY, OR CITY LEVEL IN THE STATE; AND

3 (III) BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING
4 FROM THE DATE OF APPOINTMENT TO HOLD APPOINTIVE FEDERAL, STATE, OR
5 LOCAL PUBLIC OFFICE, TO SERVE AS PAID STAFF FOR THE GENERAL ASSEMBLY
6 OR ANY INDIVIDUAL LEGISLATOR, OR TO REGISTER AS A FEDERAL, STATE, OR
7 LOCAL LOBBYIST IN THE STATE.

8 8-701.4.

9 (A) EACH DISTRICT SHALL:

10 (1) COMPLY WITH THE UNITED STATES CONSTITUTION;

11 (2) BE EQUAL IN POPULATION, EXCEPT WHERE DEVIATION IS
12 REQUIRED TO COMPLY WITH THE FEDERAL VOTING RIGHTS ACT OR
13 ALLOWABLE BY LAW;

14 (3) COMPLY WITH THE FEDERAL VOTING RIGHTS ACT (42 U.S.C.
15 SEC. 1971 AND FOLLOWING);

16 (4) BE GEOGRAPHICALLY CONTIGUOUS;

17 (5) WITHOUT VIOLATING THE REQUIREMENTS OF THIS SECTION,
18 RESPECT THE GEOGRAPHIC INTEGRITY OF ANY CITY, COUNTY, NEIGHBORHOOD,
19 OR COMMUNITY OF INTEREST TO THE EXTENT POSSIBLE, BUT COMMUNITIES OF
20 INTEREST MAY NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES,
21 INCUMBENTS, OR POLITICAL CANDIDATES; AND

22 (6) TO THE EXTENT PRACTICABLE, AND WHERE THIS DOES NOT
23 CONFLICT WITH THE CRITERIA ABOVE, BE DRAWN TO ENCOURAGE
24 GEOGRAPHICAL COMPACTNESS SUCH THAT NEARBY AREAS OF POPULATION
25 ARE NOT BYPASSED FOR MORE DISTANT POPULATION.

26 (B) (1) THE PLACE OF RESIDENCE OF ANY INCUMBENT OR POLITICAL
27 CANDIDATE MAY NOT BE CONSIDERED IN THE CREATION OF A MAP.

28 (2) A DISTRICT MAY NOT BE DRAWN FOR THE PURPOSE OF
29 FAVORING OR DISCRIMINATING AGAINST AN INCUMBENT, POLITICAL
30 CANDIDATE, OR POLITICAL PARTY.

31 (C) (1) BY SEPTEMBER 15 OF EACH YEAR ENDING IN THE NUMBER

1 ONE THEREAFTER, THE COMMISSION SHALL APPROVE THREE FINAL MAPS THAT
2 SEPARATELY SET FORTH THE DISTRICT BOUNDARY LINES FOR THE MEMBERS
3 OF THE UNITED STATES CONGRESS OF THIS STATE.

4 (2) ON APPROVAL, THE COMMISSION SHALL CERTIFY THE THREE
5 FINAL MAPS TO THE SECRETARY OF STATE.

6 (D) THE COMMISSION SHALL ISSUE, WITH EACH OF THE THREE FINAL
7 MAPS, A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE
8 ITS DECISIONS IN ACHIEVING COMPLIANCE WITH THE CRITERIA SPECIFIED
9 UNDER THIS SECTION AND SHALL INCLUDE DEFINITIONS OF THE TERMS AND
10 STANDARDS USED IN DRAWING EACH FINAL MAP.

11 (E) EACH CERTIFIED FINAL MAP SHALL BE SUBJECT TO REFERENDUM
12 IN THE SAME MANNER THAT A STATUTE IS SUBJECT TO REFERENDUM IN
13 ACCORDANCE WITH THE MARYLAND CONSTITUTION.

14 (F) (1) IF THE COMMISSION DOES NOT APPROVE A FINAL MAP BY AT
15 LEAST THE REQUISITE VOTES OR IF VOTERS DISAPPROVE A CERTIFIED FINAL
16 MAP IN A REFERENDUM, THE SECRETARY OF STATE SHALL IMMEDIATELY
17 PETITION THE COURT OF APPEALS FOR AN ORDER DIRECTING THE
18 APPOINTMENT OF SPECIAL MASTERS TO ADJUST THE BOUNDARY LINES OF THAT
19 MAP IN ACCORDANCE WITH THE REDISTRICTING CRITERIA AND REQUIREMENTS
20 SET FORTH IN THIS SECTION.

21 (2) ON THE COURT'S APPROVAL OF THE MASTERS' MAP, THE
22 COURT SHALL CERTIFY THE RESULTING MAP TO THE SECRETARY OF STATE,
23 WHICH MAP SHALL CONSTITUTE THE CERTIFIED FINAL MAP FOR THE
24 CONGRESSIONAL DISTRICTS.

25 8-701.5.

26 (A) THE COMMISSION HAS THE SOLE LEGAL STANDING TO DEFEND ANY
27 ACTION REGARDING A CERTIFIED FINAL MAP, AND SHALL INFORM THE
28 GENERAL ASSEMBLY IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER
29 RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION ARE NOT
30 ADEQUATE.

31 (B) THE GENERAL ASSEMBLY SHALL PROVIDE ADEQUATE FUNDING TO
32 DEFEND ANY ACTION REGARDING A CERTIFIED MAP.

33 (C) THE COMMISSION HAS SOLE AUTHORITY TO DETERMINE WHETHER
34 THE ATTORNEY GENERAL OR OTHER LEGAL COUNSEL RETAINED BY THE

1 COMMISSION SHALL ASSIST IN THE DEFENSE OF A CERTIFIED FINAL MAP.

2 (D) (1) THE COURT OF APPEALS HAS ORIGINAL AND EXCLUSIVE
3 JURISDICTION IN ALL PROCEEDINGS IN WHICH A CERTIFIED FINAL MAP IS
4 CHALLENGED.

5 (2) ANY REGISTERED VOTER IN THE STATE MAY FILE A PETITION
6 FOR A WRIT OF MANDAMUS OR WRIT OF PROHIBITION, WITHIN 45 DAYS AFTER
7 THE COMMISSION HAS CERTIFIED A FINAL MAP TO THE SECRETARY OF STATE,
8 TO BAR THE SECRETARY OF STATE FROM IMPLEMENTING THE PLAN ON THE
9 GROUNDS THAT THE FILED PLAN VIOLATES THE MARYLAND CONSTITUTION,
10 THE UNITED STATES CONSTITUTION, OR ANY FEDERAL OR STATE STATUTE.

11 (E) (1) THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING
12 ON A PETITION FOR A WRIT OF MANDAMUS OR A WRIT OF PROHIBITION FILED
13 UNDER THIS SECTION.

14 (2) IF THE COURT DETERMINES THAT A FINAL CERTIFIED MAP
15 VIOLATES THE MARYLAND CONSTITUTION, THE UNITED STATES
16 CONSTITUTION, OR ANY FEDERAL OR STATE STATUTE, THE COURT SHALL
17 ESTABLISH THE RELIEF THAT IT DEEMS APPROPRIATE.

18 8-701.6.

19 TO AMEND THIS SUBTITLE, THE GENERAL ASSEMBLY SHALL ENSURE
20 THAT ALL OF THE FOLLOWING CRITERIA ARE MET:

21 (1) BY THE SAME VOTE REQUIRED FOR THE ADOPTION OF THE
22 FINAL SET OF MAPS, THE COMMISSION RECOMMENDS AMENDMENTS TO THIS
23 SUBTITLE TO CARRY OUT ITS PURPOSE AND INTENT;

24 (2) THE EXACT LANGUAGE OF THE AMENDMENTS PROVIDED BY
25 THE COMMISSION IS ENACTED AS A STATUTE APPROVED BY A TWO-THIRDS
26 VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY AND SIGNED BY THE
27 GOVERNOR;

28 (3) THE BILL CONTAINING THE AMENDMENTS PROVIDED BY THE
29 COMMISSION IS IN PRINT FOR 10 DAYS BEFORE FINAL PASSAGE BY THE
30 GENERAL ASSEMBLY;

31 (4) THE AMENDMENTS FURTHER THE PURPOSES OF THIS
32 SUBTITLE; AND

1 **(5) THE AMENDMENTS ARE NOT PASSED BY THE GENERAL**
2 **ASSEMBLY IN A YEAR ENDING IN THE NUMBER ZERO OR THE NUMBER ONE.**

3 **8-701.7.**

4 **(A) (1) IN EACH YEAR ENDING IN THE NUMBER ZERO THEREAFTER,**
5 **THE STATE AUDITOR SHALL INITIATE AN APPLICATION PROCESS, OPEN TO ALL**
6 **REGISTERED VOTERS IN THE STATE IN A MANNER THAT PROMOTES A DIVERSE**
7 **AND QUALIFIED APPLICANT POOL.**

8 **(2) THE LEGISLATIVE AUDITOR SHALL REMOVE FROM THE**
9 **APPLICANT POOL INDIVIDUALS WITH CONFLICTS OF INTEREST INCLUDING,**
10 **WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION,**
11 **THE APPLICANT, OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY, WHO HAS**
12 **DONE ANY OF THE FOLLOWING:**

13 **(I) BEEN APPOINTED TO, BEEN ELECTED TO, OR BEEN A**
14 **CANDIDATE FOR FEDERAL OR STATE OFFICE;**

15 **(II) SERVED AS AN OFFICER, EMPLOYEE, OR PAID**
16 **CONSULTANT OF A POLITICAL PARTY OR OF THE CAMPAIGN COMMITTEE OF A**
17 **CANDIDATE FOR ELECTIVE FEDERAL OR STATE OFFICE;**

18 **(III) SERVED AS AN ELECTED OR APPOINTED MEMBER OF A**
19 **POLITICAL PARTY CENTRAL COMMITTEE;**

20 **(IV) BEEN A REGISTERED FEDERAL, STATE, OR LOCAL**
21 **LOBBYIST;**

22 **(V) SERVED AS PAID CONGRESSIONAL OR GENERAL**
23 **ASSEMBLY STAFF; OR**

24 **(VI) CONTRIBUTED \$2,000 OR MORE TO ANY**
25 **CONGRESSIONAL, STATE, OR LOCAL CANDIDATE FOR ELECTIVE PUBLIC OFFICE**
26 **IN ANY YEAR, WHICH AMOUNT SHALL BE ADJUSTED EVERY 10 YEARS BY THE**
27 **CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE INDEX, OR ITS**
28 **SUCCESSOR.**

29 **(3) (I) IN THIS PARAGRAPH, “IMMEDIATE FAMILY**
30 **RELATIONSHIP” MEANS A RELATIONSHIP ESTABLISHED THROUGH BLOOD OR**
31 **LEGAL RELATION, INCLUDING PARENTS, CHILDREN, SIBLINGS, AND IN-LAWS.**

32 **(II) STAFF AND CONSULTANTS TO PERSONS UNDER A**

1 CONTRACT WITH, OR ANY PERSON WITH AN IMMEDIATE FAMILY RELATIONSHIP
2 TO, THE GOVERNOR, A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF
3 CONGRESS MAY NOT SERVE AS A COMMISSION MEMBER.

4 (B) (1) THE LEGISLATIVE AUDITOR SHALL:

5 (I) ESTABLISH AN APPLICANT REVIEW PANEL,
6 CONSISTING OF THREE QUALIFIED INDEPENDENT AUDITORS, TO SCREEN
7 APPLICANTS;

8 (II) RANDOMLY DRAW THE NAMES OF THREE QUALIFIED
9 INDEPENDENT AUDITORS FROM A POOL CONSISTING OF ALL AUDITORS
10 EMPLOYED BY THE STATE AND LICENSED BY THE STATE AT THE TIME OF THE
11 DRAWING; AND

12 (III) DRAW UNTIL THE NAMES OF THREE AUDITORS HAVE
13 BEEN DRAWN INCLUDING ONE WHO IS REGISTERED WITH THE LARGEST
14 POLITICAL PARTY IN THE STATE BASED ON PARTY REGISTRATION, ONE WHO IS
15 REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY IN THE STATE
16 BASED ON PARTY REGISTRATION, AND ONE WHO IS NOT REGISTERED WITH
17 EITHER OF THE TWO LARGEST POLITICAL PARTIES IN THE STATE.

18 (2) (I) AFTER THE DRAWING, THE LEGISLATIVE AUDITOR
19 SHALL NOTIFY THE THREE QUALIFIED INDEPENDENT AUDITORS WHOSE NAMES
20 HAVE BEEN DRAWN THAT THEY HAVE BEEN SELECTED TO SERVE ON THE PANEL.

21 (II) IF ANY OF THE THREE QUALIFIED INDEPENDENT
22 AUDITORS DECLINE TO SERVE ON THE PANEL, THE STATE AUDITOR SHALL
23 RESUME THE RANDOM DRAWING UNTIL THREE QUALIFIED INDEPENDENT
24 AUDITORS WHO MEET THE REQUIREMENTS OF THIS SUBTITLE HAVE AGREED TO
25 SERVE ON THE PANEL.

26 (III) A MEMBER OF THE PANEL SHALL BE SUBJECT TO THE
27 CONFLICT OF INTEREST PROVISIONS SET FORTH IN THIS SECTION.

28 (3) HAVING REMOVED INDIVIDUALS WITH CONFLICTS OF
29 INTEREST FROM THE APPLICANT POOL, THE LEGISLATIVE AUDITOR SHALL
30 PUBLICIZE, NO LATER THAN AUGUST 1 IN EACH YEAR ENDING IN THE NUMBER
31 ZERO, THE NAMES IN THE APPLICANT POOL AND PROVIDE COPIES OF THEIR
32 APPLICATIONS TO THE APPLICANT REVIEW PANEL.

33 (4) (I) FROM THE APPLICANT POOL, THE APPLICANT REVIEW
34 PANEL SHALL SELECT 60 OF THE MOST QUALIFIED APPLICANTS, INCLUDING 20

1 WHO ARE REGISTERED WITH THE LARGEST POLITICAL PARTY IN THE STATE
2 BASED ON REGISTRATION, 20 WHO ARE REGISTERED WITH THE SECOND
3 LARGEST POLITICAL PARTY IN THE STATE BASED ON REGISTRATION, AND 20
4 WHO ARE NOT REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL
5 PARTIES IN THE STATE BASED ON REGISTRATION.

6 (II) THE SUBPOOLS SHALL BE CREATED ON THE BASIS OF
7 RELEVANT ANALYTICAL SKILLS, ABILITY TO BE IMPARTIAL, AND APPRECIATION
8 FOR THE STATE'S DIVERSE DEMOGRAPHICS AND GEOGRAPHY.

9 (III) THE MEMBERS OF THE PANEL MAY NOT COMMUNICATE
10 WITH ANY MEMBER OF THE GENERAL ASSEMBLY OR THE CONGRESS, OR THEIR
11 REPRESENTATIVES, ABOUT ANY MATTER RELATED TO THE NOMINATION
12 PROCESS OR APPLICANTS BEFORE THE PRESENTATION BY THE PANEL OF THE
13 POOL OF RECOMMENDED APPLICANTS TO THE SECRETARY OF THE SENATE AND
14 THE CHIEF CLERK OF THE HOUSE.

15 (C) (1) BY OCTOBER 1 IN EACH YEAR ENDING IN THE NUMBER ZERO,
16 THE APPLICANT REVIEW PANEL SHALL PRESENT ITS POOL OF RECOMMENDED
17 APPLICANTS TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF
18 THE HOUSE.

19 (2) (I) NO LATER THAN NOVEMBER 15 IN EACH YEAR ENDING
20 IN THE NUMBER ZERO THEREAFTER, THE PRESIDENT PRO TEMPORE OF THE
21 SENATE, THE MINORITY FLOOR LEADER OF THE SENATE, THE SPEAKER OF
22 THE HOUSE, AND THE MINORITY FLOOR LEADER OF THE HOUSE MAY EACH
23 STRIKE UP TO TWO APPLICANTS FROM EACH SUBPOOL OF 20 FOR A TOTAL OF
24 EIGHT POSSIBLE STRIKES PER SUBPOOL.

25 (II) AFTER ALL LEGISLATIVE LEADERS HAVE EXERCISED
26 THEIR STRIKES, THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF
27 THE HOUSE SHALL JOINTLY PRESENT THE POOL OF REMAINING NAMES TO THE
28 LEGISLATIVE AUDITOR.

29 (D) (1) NO LATER THAN NOVEMBER 20 IN EACH YEAR ENDING IN THE
30 NUMBER ZERO, THE LEGISLATIVE AUDITOR SHALL RANDOMLY DRAW EIGHT
31 NAMES FROM THE REMAINING POOL OF APPLICANTS AS FOLLOWS:

32 (I) THREE FROM THE REMAINING SUBPOOL OF
33 APPLICANTS REGISTERED WITH THE LARGEST POLITICAL PARTY IN THE STATE
34 BASED ON REGISTRATION;

35 (II) THREE FROM THE REMAINING SUBPOOL OF

1 APPLICANTS REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY IN
2 THE STATE BASED ON REGISTRATION; AND

3 (III) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
4 WHO ARE NOT REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL
5 PARTIES IN THE STATE BASED ON REGISTRATION.

6 (2) THE EIGHT INDIVIDUALS SELECTED UNDER PARAGRAPH (1)
7 OF THIS SUBSECTION SHALL SERVE ON THE COMMISSION.

8 (E) (1) NO LATER THAN DECEMBER 31 IN EACH YEAR ENDING IN THE
9 NUMBER ZERO, THE EIGHT COMMISSIONERS SHALL REVIEW THE REMAINING
10 NAMES IN THE POOL OF APPLICANTS AND APPOINT SIX APPLICANTS TO THE
11 COMMISSION AS FOLLOWS:

12 (I) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
13 REGISTERED WITH THE LARGEST POLITICAL PARTY IN THE STATE BASED ON
14 REGISTRATION;

15 (II) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
16 REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY IN THE STATE
17 BASED ON REGISTRATION; AND

18 (III) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
19 WHO ARE NOT REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL
20 PARTIES IN THE STATE BASED ON REGISTRATION.

21 (2) (I) THE SIX APPOINTEES MUST BE APPROVED BY AT LEAST
22 FIVE AFFIRMATIVE VOTES WHICH MUST INCLUDE AT LEAST TWO VOTES OF
23 COMMISSIONERS REGISTERED FROM EACH OF THE TWO LARGEST PARTIES AND
24 ONE VOTE FROM A COMMISSIONER WHO IS NOT AFFILIATED WITH EITHER OF
25 THE TWO LARGEST POLITICAL PARTIES IN THE STATE.

26 (II) 1. THE SIX APPOINTEES SHALL BE CHOSEN TO
27 ENSURE THE COMMISSION REFLECTS THE STATE'S DIVERSITY, INCLUDING, BUT
28 NOT LIMITED TO, RACIAL, ETHNIC, GEOGRAPHIC, AND GENDER DIVERSITY.
29 HOWEVER, IT IS NOT INTENDED THAT FORMULAS OR SPECIFIC RATIOS BE
30 APPLIED FOR THIS PURPOSE.

31 2. APPLICANTS SHALL ALSO BE CHOSEN BASED ON
32 RELEVANT ANALYTICAL SKILLS AND THE ABILITY TO BE IMPARTIAL.

33 8-701.8.

1 (A) (1) IN THE EVENT OF SUBSTANTIAL NEGLECT OF DUTY, GROSS
2 MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE,
3 A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE GOVERNOR WITH
4 THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS OF THE SENATE AFTER
5 HAVING BEEN SERVED WRITTEN NOTICE AND PROVIDED WITH AN OPPORTUNITY
6 FOR A RESPONSE.

7 (2) A FINDING OF SUBSTANTIAL NEGLECT OF DUTY OR GROSS
8 MISCONDUCT IN OFFICE MAY RESULT IN REFERRAL TO THE ATTORNEY
9 GENERAL FOR CRIMINAL PROSECUTION OR THE APPROPRIATE
10 ADMINISTRATIVE AGENCY FOR INVESTIGATION.

11 (B) (1) A VACANCY, WHETHER CREATED BY REMOVAL, RESIGNATION,
12 OR ABSENCE, IN A COMMISSION POSITION SHALL BE FILLED WITHIN THE 30
13 DAYS AFTER THE VACANCY OCCURS, FROM THE POOL OF APPLICANTS OF THE
14 SAME VOTER REGISTRATION CATEGORY AS THE VACATING NOMINEE THAT WAS
15 REMAINING AS OF NOVEMBER 20 IN THE YEAR IN WHICH THAT POOL WAS
16 ESTABLISHED.

17 (2) IF NONE OF THE REMAINING APPLICANTS UNDER PARAGRAPH
18 (1) OF THIS SUBSECTION ARE AVAILABLE FOR SERVICE, THE LEGISLATIVE
19 AUDITOR SHALL FILL THE VACANCY FROM A NEW POOL CREATED FOR THE
20 SAME VOTER REGISTRATION CATEGORY IN ACCORDANCE WITH § 8-701.7 OF
21 THIS SUBTITLE.

22 8-701.9.

23 (A) (1) THE ACTIVITIES OF THE COMMISSION ARE SUBJECT TO
24 APPLICABLE STATE LAW GOVERNING OPEN MEETINGS AND ACCESS TO PUBLIC
25 INFORMATION.

26 (2) THE COMMISSION SHALL PROVIDE NOT LESS THAN 14 DAYS'
27 PUBLIC NOTICE FOR EACH MEETING, EXCEPT THAT MEETINGS HELD IN
28 SEPTEMBER IN THE YEAR ENDING IN THE NUMBER ONE MAY BE HELD WITH
29 THREE DAYS' NOTICE.

30 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
31 SUBSECTION, COMMISSION MEMBERS AND STAFF MAY NOT COMMUNICATE WITH
32 OR RECEIVE COMMUNICATIONS ABOUT REDISTRICTING MATTERS FROM
33 ANYONE OUTSIDE OF A PUBLIC HEARING.

34 (2) COMMUNICATION BETWEEN COMMISSION MEMBERS, STAFF,

1 LEGAL COUNSEL, AND CONSULTANTS RETAINED BY THE COMMISSION IS
2 ALLOWED.

3 (C) (1) THE COMMISSION SHALL SELECT ONE OF ITS MEMBERS TO
4 SERVE AS THE CHAIR AND ONE TO SERVE AS VICE CHAIR.

5 (2) THE CHAIR AND VICE CHAIR MAY NOT BE OF THE SAME
6 POLITICAL PARTY.

7 (D) (1) THE COMMISSION MAY HIRE STAFF, LEGAL COUNSEL, AND
8 CONSULTANTS AS NEEDED.

9 (2) (I) THE COMMISSION SHALL ESTABLISH CLEAR CRITERIA
10 FOR THE HIRING AND REMOVAL OF THE INDIVIDUALS SPECIFIED UNDER
11 PARAGRAPH (1) OF THIS SUBSECTION, COMMUNICATION PROTOCOLS, AND A
12 CODE OF CONDUCT.

13 (II) THE SECRETARY OF STATE SHALL PROVIDE SUPPORT
14 FUNCTIONS TO THE COMMISSION UNTIL THE COMMISSION'S STAFF AND OFFICE
15 ARE FULLY FUNCTIONAL.

16 (3) (I) THE COMMISSION SHALL REQUIRE THAT AT LEAST ONE
17 OF THE LEGAL COUNSEL HIRED BY THE COMMISSION HAS DEMONSTRATED
18 EXTENSIVE EXPERIENCE AND EXPERTISE IN IMPLEMENTATION AND
19 ENFORCEMENT OF THE FEDERAL VOTING RIGHTS ACT OF 1965, 42 U.S.C. SEC.
20 197, ET. SEQ.

21 (II) THE COMMISSION SHALL MAKE HIRING, REMOVAL, OR
22 CONTRACTING DECISIONS ON STAFF, LEGAL COUNSEL, AND CONSULTANTS BY
23 NINE OR MORE AFFIRMATIVE VOTES INCLUDING AT LEAST THREE VOTES OF
24 MEMBERS REGISTERED FROM EACH OF THE TWO LARGEST PARTIES AND THREE
25 VOTES FROM MEMBERS WHO ARE NOT REGISTERED WITH EITHER OF THE TWO
26 LARGEST POLITICAL PARTIES IN THE STATE.

27 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYER
28 MAY NOT DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR
29 RETALIATE AGAINST ANY EMPLOYEE BY REASON OF SUCH EMPLOYEE'S
30 ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE
31 COMMISSION.

32 (F) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN
33 OPEN HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT SHALL
34 BE SUBJECT TO PUBLIC NOTICE AND PROMOTED THROUGH A THOROUGH

1 OUTREACH PROGRAM TO SOLICIT BROAD PUBLIC PARTICIPATION IN THE
2 REDISTRICTING PUBLIC REVIEW PROCESS.

3 (2) (i) 1. THE HEARING PROCESS SHALL INCLUDE
4 HEARINGS TO RECEIVE PUBLIC INPUT BEFORE THE COMMISSION DRAWS ANY
5 MAPS AND HEARINGS FOLLOWING THE DRAWING AND DISPLAY OF ANY
6 COMMISSION MAPS.

7 2. HEARINGS SHALL BE SUPPLEMENTED WITH
8 OTHER ACTIVITIES AS APPROPRIATE TO FURTHER INCREASE OPPORTUNITIES
9 FOR THE PUBLIC TO OBSERVE AND PARTICIPATE IN THE REVIEW PROCESS.

10 (ii) 1. THE COMMISSION SHALL DISPLAY THE MAPS FOR
11 PUBLIC COMMENT IN A MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC
12 ACCESS REASONABLY POSSIBLE.

13 2. PUBLIC COMMENT SHALL BE TAKEN FOR AT
14 LEAST 14 DAYS FROM THE DATE OF PUBLIC DISPLAY OF ANY MAP.

15 (g) (1) THE GENERAL ASSEMBLY SHALL TAKE ALL STEPS
16 NECESSARY TO ENSURE THAT A COMPLETE AND ACCURATE COMPUTERIZED
17 DATABASE IS AVAILABLE FOR REDISTRICTING, AND THAT PROCEDURES ARE IN
18 PLACE TO PROVIDE THE PUBLIC READY ACCESS TO REDISTRICTING DATA AND
19 COMPUTER SOFTWARE FOR DRAWING MAPS.

20 (2) ON THE COMMISSION'S FORMATION AND UNTIL ITS
21 DISSOLUTION, THE GENERAL ASSEMBLY SHALL COORDINATE THESE EFFORTS
22 WITH THE COMMISSION.

23 8-701.10.

24 (a) EACH MEMBER OF THE COMMISSION SHALL BE COMPENSATED AT
25 THE RATE OF \$300 FOR EACH DAY THE MEMBER IS ENGAGED IN COMMISSION
26 BUSINESS.

27 (b) (1) FOR EACH SUCCEEDING COMMISSION, THE RATE OF
28 COMPENSATION SHALL BE ADJUSTED IN EACH YEAR ENDING IN THE NUMBER
29 NINE BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE
30 INDEX, OR ITS SUCCESSOR.

31 (2) MEMBERS OF THE PANEL AND THE COMMISSION ARE
32 ELIGIBLE FOR REIMBURSEMENT OF PERSONAL EXPENSES INCURRED IN
33 CONNECTION WITH THE DUTIES PERFORMED BEFORE THIS ACT IN

1 ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.

2 8-701.11.

3 (A) IN EACH YEAR ENDING IN THE NUMBER NINE, THE GOVERNOR
4 SHALL INCLUDE IN THE STATE BUDGET SUBMITTED TO THE GENERAL
5 ASSEMBLY FUNDING FOR THE LEGISLATIVE AUDITOR, THE CITIZENS'
6 CONGRESSIONAL REDISTRICTING COMMISSION, AND THE SECRETARY OF
7 STATE THAT IS SUFFICIENT TO MEET THE ESTIMATED EXPENSES OF EACH OF
8 THOSE OFFICERS OR ENTITIES IN IMPLEMENTING THE REDISTRICTING
9 PROCESS REQUIRED BY THIS SUBTITLE FOR A 3-YEAR PERIOD, INCLUDING
10 ADEQUATE FUNDING FOR A STATEWIDE OUTREACH PROGRAM TO SOLICIT
11 BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.

12 (B) THE GOVERNOR SHALL ALSO MAKE ADEQUATE OFFICE SPACE
13 AVAILABLE FOR THE OPERATION OF THE COMMISSION.

14 (C) (1) THE GENERAL ASSEMBLY SHALL MAKE THE NECESSARY
15 APPROPRIATION IN THE STATE BUDGET AND THE APPROPRIATION SHALL BE
16 AVAILABLE DURING THE ENTIRE 3-YEAR PERIOD.

17 (2) THE APPROPRIATION MADE SHALL BE EQUAL TO THE
18 GREATER OF \$3,000,000, OR THE AMOUNT EXPENDED UNDER THIS SUBTITLE IN
19 THE IMMEDIATELY PRECEDING REDISTRICTING PROCESS, AS EACH AMOUNT IS
20 ADJUSTED BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE
21 INDEX, OR ITS SUCCESSOR, SINCE THE DATE OF THE IMMEDIATELY PRECEDING
22 APPROPRIATION.

23 (D) THE COMMISSION, WITH FISCAL OVERSIGHT FROM THE
24 DEPARTMENT OF BUDGET AND MANAGEMENT, SHALL HAVE PROCUREMENT
25 AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS,
26 INCLUDING LEGAL REPRESENTATION.

27 8-701.12.

28 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "VOTERS FIRST
29 ACT".

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 June 1, 2013.